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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,672	10/07/2003	John N. Dodgen	P06686US0	5448

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ZARLEY LAW FIRM P.L.C.  
CAPITAL SQUARE  
400 LOCUST, SUITE 200  
DES MOINES, IA 50309-2350

EXAMINER
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NGUYEN, THUY-VI THI

ART UNIT	PAPER NUMBER
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3609

MAIL DATE	DELIVERY MODE
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08/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/680,672

Applicant(s)

DODGEN, JOHN N.

Examiner

Thuy-Vi Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Krim (US Patent Application Publication No. US 2002/0072925 A1).

Regarding to claim 1, Krim discloses a method of celebrating a person's life by attendees at a funeral after the person's death, comprising, causing the person, while alive, to create a message presentation that would welcome the attendee to the person's funeral and include personal comments to the attendee in a generally uplifting sense about the occasion of the funeral [..the person, may have a digital video camera or microphone so that the person may communicate with those at the live funeral, or may provide a prerecorded message, or may type words that will be shared with the live participants through an instant messaging service; see page 5, par. 0063-0064],

storing the message presentation with instructions that the message presentation be played at the person's funeral [..a person with a number of options for specifying delivery of messages, graphics, or any other computer-storable content to designated recipients after the person has died; see page 1, par. 0009-0010],

and publicly playing the message presentation at the person's funeral for the

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attendees at the funeral to see and hear [..other messages, to be sent at death, may include friends, family, etc. to be notified of the member's death and funeral; see page 2, par. 0028-0033].

Regarding to claim 2, Krim discloses wherein the message presentation is projected on a screen [..the member may provide clip art, video or audio clips to be included in one or more of his messages. For instance, the Message Center screen; see page 3, par. 0037-0038 and figure 5a].

Regarding to claim 3, Krim discloses wherein the message presentation is an audio presentation [..CD ROM; see page4, par. 0051-0052].

Regarding to claim 4, Krim discloses wherein the message presentation is a combination video-type and audio presentation [..audio or video clip to be in his message; see page3, par. 0037-0038 and figures 4a-4c]

Regarding to claim 5, Krim discloses wherein the message presentation is an audio/video presentation [..survivors of the deceased may establish an internet hookup and a digital video camera at the funeral, to make the proceedings available to any interested person over the internet; see page4, par. 0063-0064].

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
4. The patent to Evans discloses an apparatus located in a funeral establishment for displaying information about a deceased and patent application publication to Durham discloses a method of providing funeral products and services.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrence Till can be reached on 571-272-1280. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Terrence Till

Supervisory Patent Examiner